

AMENDED IN ASSEMBLY APRIL 26, 2016

AMENDED IN ASSEMBLY APRIL 13, 2016

AMENDED IN ASSEMBLY APRIL 5, 2016

AMENDED IN ASSEMBLY MARCH 31, 2016

AMENDED IN ASSEMBLY MARCH 18, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

## **ASSEMBLY BILL**

**No. 2124**

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**Introduced by Assembly Members Eduardo Garcia and Lackey**

February 17, 2016

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An act to add Section 189.3 to the Water Code, relating to water, and making an appropriation therefor.

### LEGISLATIVE COUNSEL'S DIGEST

AB 2124, as amended, Eduardo Garcia. State Water Resources Control Board: grant program for school drinking water.

Existing law requires a school district to provide access to free, fresh drinking water during meal times in school food service areas, unless the governing board of a school district adopts a resolution stating that it is unable to comply with this requirement and demonstrating the reasons why it is unable to comply due to fiscal constraints or health and safety concerns.

Existing law, the California Safe Drinking Water Act, governs drinking water quality, and requires the State Water Resources Control Board to ensure that all public water systems are operated in compliance with the act. Among other things, the act requires the board to adopt

primary drinking water standards for contaminants in drinking water, as specified.

This bill would require the board to establish a grant program to award grants to public elementary and secondary schools to improve access to, and the quality of, drinking water at those schools. The bill would specify various types of projects that will provide students and school staff with access to safe drinking water for which these grants could be awarded. The bill would require the board to give priority to applicants that serve a very small disadvantaged community, as defined, and applicants that are served by public water systems that the board finds consistently fail to provide an adequate supply of safe drinking water. The bill would require the board to develop procedures for the submission of applications for grants by local educational agencies and criteria for the evaluation of these applications, as specified.

The bill would appropriate \$10,000,000, without regard to fiscal years, from the General Fund to the board for allocation to local educational agencies as grants made pursuant to the bill. The bill would provide that funds allocated to local educational agencies pursuant to this bill would supplement, and not supplant, the other state funds apportioned to these local educational agencies for their support. To the extent that the funds appropriated by this bill are allocated to school districts, the amount of these funds would be applied toward the minimum funding requirements for school districts and community college districts imposed by Section 8 of Article XVI of the California Constitution.

*The bill would require the board to provide to the appropriate policy and fiscal committees of the Legislature certain data within 6 months after the allocation of the funds appropriated by the bill to local educational agencies.*

Vote: majority. Appropriation: yes. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 189.3 is added to the Water Code, to
- 2 read:
- 3 189.3. (a) The board shall establish a grant program to award
- 4 grants to public elementary and secondary schools to improve
- 5 access to, and the quality of, drinking water at those schools. The
- 6 board may award grants under this section for projects that will

1 provide students and school staff with access to safe drinking  
2 water, including, but not necessarily limited to, any of the  
3 following:

4 (1) Installation of water bottle filling stations.

5 (2) Installation or replacement of drinking water fountains with  
6 devices that are capable of removing any contaminants that are  
7 present in the school's water supply.

8 (3) Installation of point-of-entry or point-of-use treatment  
9 devices.

10 (4) Plumbing repairs that improve drinking water quality.

11 (b) The board shall implement this section by taking actions  
12 including, but not necessarily limited to, the development of  
13 procedures for the submission of applications for grants by local  
14 educational agencies and criteria for the evaluation of these  
15 applications. The actions taken by the board pursuant to this  
16 subdivision shall not be subject to the rulemaking requirements of  
17 Chapter 3.5 (commencing with Section 11340) of Part 1 of Division  
18 3 of Title 2 of the Government Code.

19 (c) (1) In developing the procedure for awarding grants, the  
20 board shall do each of the following:

21 (A) Set requirements for grant recipients to adopt a program for  
22 inspecting and maintaining any water treatment device funded by  
23 the grant.

24 (B) Establish a maximum grant amount.

25 (C) Give priority to each of the following:

26 (i) Applicants that serve a very small disadvantaged community.

27 (ii) Applicants that are served by public water systems that the  
28 board finds consistently fail to provide an adequate supply of safe  
29 drinking water.

30 (2) In developing the procedure for awarding grants, the board  
31 may encourage applicants to commit additional resources to the  
32 project, except that the board shall not require matching funds for  
33 local educational agencies serving very small disadvantaged  
34 communities or interfere with the prioritization of grant funding  
35 to very small disadvantaged communities.

36 (d) For purposes of this section, "very small disadvantaged  
37 community" means a municipality with a population of 10,000  
38 persons or less, or a reasonably isolated and divisible segment of  
39 a larger municipality encompassing 10,000 persons or less, with

1 an annual median household income that is less than 80 percent  
2 of the statewide annual median household income.

3 SEC. 2. (a) The sum of ten million dollars (\$10,000,000) is  
4 hereby appropriated, without regard to fiscal years, from the  
5 General Fund to the State Water Resources Control Board for  
6 allocation to local educational agencies as grants to improve access  
7 to, and the quality of, drinking water at public elementary and  
8 secondary schools pursuant to Section 189.3 of the Water Code.  
9 The funds allocated to local educational agencies pursuant to this  
10 section shall supplement, and not supplant, the other state funds  
11 apportioned to these local educational agencies for their support.

12 (b) *Within six months after the allocation of the funds to local*  
13 *educational agencies, the State Water Resources Control Board*  
14 *shall provide to the appropriate policy and fiscal committees of*  
15 *the Legislature data relating to the allocation that include a*  
16 *summary of the following:*

17 (1) *The number and percentages of the types of projects funded*  
18 *pursuant to subdivision (a) of Section 189.3 of the Water Code.*

19 (2) *The average amount of funding per application.*

20 (3) *The geographical distribution of the grants.*